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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,011	06/25/2001	Jing Wu	14357ROUS02U	9405

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EXAMINER

PATEL, NIKETA I

ART UNIT PAPER NUMBER

2181

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/891,011	<b>Applicant(s)</b> WU ET AL.	
	<b>Examiner</b> Niketa I. Patel	<b>Art Unit</b> 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2-5 and 8-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- a. Claims 2 and 8 recite the limitation of “*label-to-forwarding equivalency class bindings*” at line 2 of both of the claims. The disclosure fails to provide support for this limitation. The dependent claims thereon inherit the same deficiency.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6-7 and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Saleh et al. Pat. App. Pub. NO.: 2005/0135234 A1 (hereinafter referred to as “*Saleh*”).

Art Unit: 2181

5. **Referring to claims 1, 7, 15, *Saleh*** teaches a device operative in a communications network having a network node, comprising: at least one port operative to exchange control plane information with said network node [see paragraphs 85, 87 and 98, LSA, link state database]; and a memory portion operative to mirror control plane information received from said network node via said at least one port, wherein said control plane information includes a label information database [see paragraphs 85, 87 and 98, LSA, link state database.]

6. **Referring to claim 6, *Saleh*** teaches further including a plurality of memory portions, each operative to mirror a label information database for a particular link [see paragraphs 59, 55, 85, 87 and 98.]

7. **Referring to claim 16, *Saleh*** teaches wherein said label information database is maintained by said network node, and said device is further operative to synchronize said memory portion with said label information database [see paragraphs 85, 87 and 98, LSA, link state database.]

8. **Referring to claim 17, *Saleh*** teaches further operative, following failure of a control plane communication link between said device and said node, to transmit said mirrored control plane information to said node [see paragraphs 55 and 85.]

9. **Referring to claim 18, *Saleh*** teaches further operative, following failure of the control plane communication link between said device and said node, to update said memory portion with the intersection of said transmitted mirrored control plane information and the control plane information maintained by said network node [see paragraphs 55, 85, 87 and 98.]

Art Unit: 2181

10. Referring to claim 19, *Saleh* teaches including the further step of said first device and said second device employing said intersection of control plane information to transmit data via said link [see paragraphs 59, 55, 85, 87 and 98.]

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. As far as the examiner can interpret the claims in light of the 35 U.S.C. 112, first paragraph, rejection supra, the claims 2-5 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Saleh et al.* Pat. App. Pub. NO.: 2005/0135234 A1 (hereinafter referred to as "*Saleh*") as applied to claims 1 and 7 above, and further in view of *Boodaghians* Pat. App. Pub. NO.: 2005/0180422 A1 (hereinafter "*Boodaghians*").

13. Referring to claims 2, 8, *Saleh* teaches a device operative in a communications network having a network node, comprising: at least one port operative to exchange control plane information with said network node [see paragraphs 85, 87 and 98, LSA, link state database] *Saleh* is silent regarding the limitation of wherein said label information database includes label-to-forwarding equivalency class bindings however *Boodaghians* teaches this limitation [see paragraph 0006] in order to allow a set of packets to be handled equivalently for the purpose of forwarding.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device of *Saleh* to have label information database includes label-to-forwarding equivalency class bindings in order to allow a set of packets to be handled equivalently for the purpose of forwarding. It is for this reason that one of ordinary skill in the art would have been motivated to implement *Saleh*'s device with a label information database includes label-to-forwarding equivalency class bindings in order to allow a set of packets to be handled equivalently for the purpose of forwarding.

14. **Referring to claims 3, 9**, teachings of *Saleh* as modified by the teachings of *Boodaghians* teaches wherein said label information database is maintained by said network node, and said device is further operative to synchronize said memory portion with said label information database [see paragraphs 85, 87 and 98, LSA, link state database.]

15. **Referring to claims 4, 10**, teachings of *Saleh* as modified by the teachings of *Boodaghians* teaches further operative, following failure of a control plane communication link between said device and said node, to transmit said mirrored control plane information to said node [see paragraphs 55 and 85.]

16. **Referring to claims 5, 11, 12, 13, 14**, teachings of *Saleh* as modified by the teachings of *Boodaghians* teaches further operative, following failure of the control plane communication link between said device and said node, to update said memory portion with the intersection of said transmitted mirrored control plane information and the control plane information maintained by said network node [see paragraphs 55, 85, 87 and 98.]

***Response to Arguments***

17. Applicant's arguments filed 10/26/2005 have been fully considered but they are not persuasive. The applicant argues that *Saleh* fails to teach a Label Information Base (LIB) and FEC-to-label bindings. Furthermore the applicant states that these limitations are now specifically recited in the claims.

b. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Label Information Base (LIB) and FEC-to-label bindings) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

c. Furthermore, since the applicant's specification does not explicitly define the LID (Label Information Database) as being equivalent to LIB (Label Information Base), this limitation is open to a reasonable interpretation (i.e., Link State Database.)

***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2181

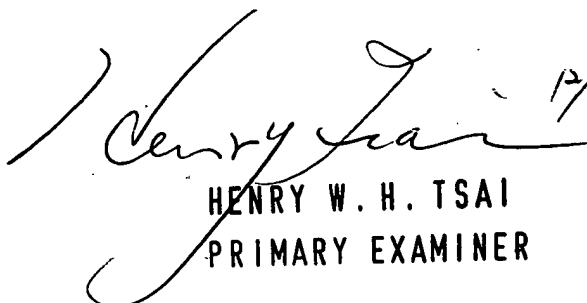
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272 4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
12/29/2005

 12/30/05  
HENRY W. H. TSAI  
PRIMARY EXAMINER